



BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: RONALD JOHN ROSENBERGER
Application No.: 10/822,051 Art. Unit: 3728
Filing Date: 04/10/2004 Examiner: John T. Kavanaugh
Title: SCENTED SHOE SOLES

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**REVISED CLAIM STATUS SECTION OF APPELLANT'S BRIEF ON
APPEAL UNDER 37 CFR 41.37**

Dear Sir:

Appellants file this Revised Claim Status Section of Appellant's Brief on Appeal in response to the Notification of Non-Compliant Appeal Brief, mailed December 14, 2007, initially due January 14, 2008, further to Revised Appellant's Brief on Appeal filed November 26, 2007, further to Appellant's Brief on Appeal filed June 12, 2007, in response to the Final Office Action dated March 27, 2006, for which an Amendment and Response was filed June 27, 2006 as well as a Notice of Appeal also filed June 27, 2006, and for which a Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), statement and fee of \$750 under 1.17(m) for small entity were previously filed, and which further included the Appeal Brief fee of \$250 under 37 C.F.R. § 1.17(c).

Status of Claims (37 CFR 41.37(c)(1)(iii))

Pending claims 1-7 and 9-21, with claim 8 canceled, including independent claim 1, variously stand rejected under 35 USC 112.1, 102(b) or 103(a) as not enabled, or anticipated or obvious over the cited references. Appellants appeal and argue all of the pending claims 1, 3-5 and 9-17 and 19-21, including independent claim 1, with the remaining claims canceled on Appeal.

Claims 1, 3-5 and 9-17 and 19-21 are pending on Appeal, with claims 2, 6, 7 and 18 now canceled to reduce issues on Appeal (to address rejections under 35 USC 112). Appellants now amend claims 12, 13, 15 and 20 to delete the term "etc." as objected by the Examiner to remove this issue on appeal. All of the remaining claims 1-5 and 9-17 and 19-21, including independent claim 1, are argued together.

Conclusion

In view of the above arguments and evidence of record, Appellants request that the Examiner's objections and rejections be reversed and the case remanded to the Examiner for allowance.

The Examiner is invited to contact Appellant with any questions or comments.

Respectfully submitted,



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Date: January 14, 2008